



HOUSE BILL 990: Counties Publish Notices Electronically.

2017-2018 General Assembly

Committee:	House State and Local Government II. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 5, 2018
Introduced by:	Reps. K. Hall, Bert Jones	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H990-CSR-N-26		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 990 would allow Davidson and Rockingham Counties to participate in a pilot program that allows certain local governments to publish notices electronically and to publish legal notices via the County-maintained Web site for a fee. The act would become effective December 1, 2018, and would apply to notices published on or after that date. The PCS added Davidson County to the bill.*

CURRENT LAW: North Carolina law requires various legal notices and advertisements to be published in a newspaper of general circulation in the area impacted by the legal notice. Examples include judicial sales under Article 29A of Chapter 1 of the General Statutes, administration of estates under Chapter 28A of the General Statutes, and execution sales under Article 29B of Chapter 1 of the General Statutes.

More specifically, the General Statutes and sometimes local acts, require governing boards of counties and cities to publish notice or to advertise prior to taking certain actions. When publishing notices, the county or city does so by inserting the notice in a newspaper qualified under G.S. 1-597 in that county or city. Some of the items that require notice or advertisement are:

- Various public hearings statutorily required prior to the county or city taking action or adopting certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually requiring publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinance. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Development agreements. Article 18 of Chapter 153A and Article 19 of Chapter 160A.
- Dates of primary, general and special elections, and hours the voting places that will be open for those elections. Chapter 163.

BILL ANALYSIS: The PCS for House Bill 990 does the following:

- Allows certain governing boards in Davidson and Rockingham only to adopt an ordinance authorizing electronic publication of public notices and advertisements required to be published by that governing board. Such electronic notice could be in lieu of, or in addition to, newspaper publication. The ordinance may also control public notices and advertisements of any board

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appointed by the governing body such as the planning board, board of social services, and board of health.

The governing boards that may adopt such an ordinance are:

- Davidson and Rockingham County Boards of Commissioners.
 - Davidson and Rockingham County Boards of Elections.
 - Municipal governing board of any city or town wholly or partly within Davidson County (Denton, High Point, Lexington, Midway, Thomasville, and Wallburg).
 - Municipal governing board of any city or town wholly or partly within Rockingham County (Eden, Madison, Mayodan, Reidsville, Stoneville and Wentworth).
- Authorizes Davidson and Rockingham Counties to adopt an ordinance authorizing publication of any legal notice, for any private or governmental entity, on a website maintained by the County in lieu of newspaper publication. The county is authorized to charge an administrative fee to do so.

EFFECTIVE DATE: The PCS would become effective December 1, 2018, and would apply to notices published on or after that date.

BACKGROUND: S.L. 2017-210 created this pilot program in Guilford County. Additionally, the following local governments are permitted to use electronic notice for public hearings: Cabarrus County (S.L. 2003-81), City of Raleigh and Town of Lake Waccamaw (S.L. 2003-161), Towns of Apex, Garner, and Knightdale (S.L. 2007-86), and Town of Cary (S.L. 2008-5).

Billy R. Godwin and R. Erika Churchill, Staff Attorneys for the Legislative Analysis Division, contributed to this summary.